## NEWS OF INTEREST FROM IOWA.

### COUNCIL BLUFFS.

MINOR MENTION

Smoke "J A B" 5c cigar. Finest work, Bluff City Laundry. Stockert Carpet Co., 205-207 Bwy. Moore's food kills worms and fattens.

Miss Amanda Locke left yesterday evening for Great Falls, Mont. Clair Turnbull left last evening for Chi-

C. B. Jacquemin & Co., jewelers and op-ticians, 27 South Main street. Miss Edith Foster of Oakland avenue returns today to Drake university, Des Moines

Attorney I. N. Flickinger left last even-ing for Manning, Ia., on a short business

Mr. and Mrs. Charles Ducklow of Wilton arrived yesterday on a visit to the

Bernard Carter, the 11-year-old son of Mr and Mrs. P. J. Carter of 1407 Pleasant street dled last evening of typhoid fever. J. C. Bixby, heating and sanitary engineer

Plans and specifications for heating, plumbing and lighting. 202 Main, Council Bluffs. Don't you think it must be a pretty good laundry that can please so many hundreds of customers? Well-that's the "Eagle," 724 Broadway.

Some time Sunday night an enterprising thief invaded the Baldwin and Sapp offic buildings and carried off every electric light | sition. globe from the halls.

Mrs. A. Mitchell and sons Robert and Roy returned yesterday from Carman, Ill.,

Lily camp, No. 1, Royal Neighbors of

All members of Council camp, No. 14, Woodmen of the World, are requested to meet at their hall at 2:30 o'clock this aft-ernoon to attend the funeral of Sovereign E. S. Allen. James G. Bradley, C. C.

Bluffs company, No. 27, Uniform Rank, Knights of Pythias, will meet tonight in P. O. S. of A. hall. Every member is urged to be present as there is business of great importance to come before the meeting.

The funeral of the late W. A. Armstrong in Walnut Hill cemetery.

mains were removed to Lunkley's undertaking rooms, where they will be held pend-ing arrangements for the funeral.

At a meeting of the state council of the Catholic Knights of America held Sunday afternoon in this city the following officers were elected for the ensuing year: P. J. Emig, Council Bluffs, president; John N. Dolan, Daveaport vice president; John N. Dolan, Daveaport vice president; William Reinbold, Keckuk, secretary; L. H. Kurtz, Des Moines, treasurer; Rev. Henry Cosgrove, Davenport, spiritual director; C. D. Martin, Davenport, delegate to the supreme council, which meets in Kansas City part

Frank D. Loughran, claiming to be a printer from Seneca, Kan., is in custody nary interest from the fact that the plainat the city jail with the charge of larceny tiffs are the parents of Mrs. E. T. Waterfrom a building in the daytime booked against him. Loughran, who said he had been visiting the exposition with his family, was detected by Charles Banther of the is the Haggerty homestead on Stutsman city engineer's office in the act of robbing street. Mr. and Mrs. Haggerty are very shaving brushes, combs, bottles of perfume and other articles.

last evening at the Women's Christian Astrouble, after a protracted illness, aged 38 to sign what proved to be an absolute deed years. The funeral will be held this after- to the property to their daughter. This church, of which Mr. Allen was for a num- intended, and that advantage had been ber of years a prominent member. The taken of their old age and infirmities and services will be conducted by the pastor, that misrepresentations were made to them. W. Wilson. Deceased was a well known abstractor and was prominent in social and church affairs. He was a member of the Woodmen of the World and the camp will attend the funeral in a body.

Ladies desiring variable information concerning their ailments should send or call for "The Viavi Messafe." Viavi Co., 326

#### N. Y. Plumbing company, Tel. 250. Public Library Affairs.

The regular monthly meeting of the trustees of the public library was held yesterday afternoon. The report of Miss Elizabeth Peterson, the librarian, showed that the number of visitors to the library during the month of August was 6,200; the number of registered booktakers during the same period, 7,793; number of books taken, 5,816. The fines received during the month amounted to \$8.20. The donations to the as previously notified. library during August were nine volumes and thirty-five pamphlets from the government, one from the Warren county library and two from the Iowa Masonic library. The number of books in the circulating library on September 1 was 16,861 and in the government library 4,490, making a total of 21,351 volumes. The report of the Investment Co.; J. B. Matthews vs. John finance committee showed that the balance Cooney. in the library fund on September 1 was \$1,426.41. The salaries and bills of the preceding month, amounting to \$332.30, were

ordered paid. The librarian presented a list of some 150 books, which she suggested should be purchased, and she was directed to buy them. The trustees decided to grant the use of the library to the State Library association for its meeting, which will be held here September 29, on which occasion Hon. D. C. Bloomer, president of the board of trustees of the public library, will deliver an address of welcome.

Part 2 of The Bee's photogravures of the exposition is now ready and can be had at

the Council Bluffs office. Real Estate Transfers.

The following transfers were filed yesterday in the abstract, title and foan office of J. W. Squire, 101 Pearl street: Ed Phelan and wife to Adolph Geise

Ed Phelan and wife to Adolph Geise, set, 4-76-42; w. d.
H. C. Engelman to George Eichhorn, sty set, 5-78-38; w. d.
St. John's English Evangelical Lutheran Church to Peter Anderson and James Anderson, lot 1, block 26, Evans second Bridge add; w. d.
C. S. Lefferts and wife to N. L. Cole, lot 8, block 8, Evans second Bridge add; ac. d. 3,200

M; Q, c, d, W; Douglass to N. L. Cole, lot 8, ock 8, Evans' second Bridge add;

W. d.
Charles E. Tucker and wife to Andrew McMillen, lot 2, block 23, and lot 1, block 25, Burns add; w. d.
M. L. Willinski to W. D. Elmer, lot 8, block 30, Mullin's subd; q. c. d....

Seven transfers, total ...

Ground Breaking for New Church. Appropriate exercises will be held by the Second Presbyterian church this afternoon at 4:30, on the corner of Pierce and Grace streets, where the new church building is to be erected. After a brief devotional service Dr. Phelps of the Presbyterian seminary at Omaha will deliver an address. Then the actual breaking of mother earth will be performed by the pastor of the church, Rev. Alex Litherland, assisted by representatives of the different departments

The Evans laundry is the leader in fine work for both color and finish. 520 Pearl street, 'Phone 290,

### EXPOSITION MASS MEETING

President Graham's Call is Backed Up by Vice President Wright.

Object is to Make Arrangements for Local Participation in the Iowa Celebration Next Week at the Exposition.

In pursuance to the call issued yesterday by President A. C. Graham of the Council Bluffs Exposition association there will be meeting this evening at 7.30 o'clock at the Grand hotel of the members of the association and citizens in general to make arrangements to take part in the parade and exercises on Iowa day, Wednesday, September 21, at the exposition. The call bears the signatures also of George F. Wright, exposition vice president for Iowa, and Lucius Wells, resident director of the expo-Although the meeting has been called under the auspices of the exposition Mr. and Mrs. M. H. Thompson, Miss Flor-ence Thompson and Mrs. C. Lee form a family party from Chicago who arrived yes-terday to take in the exposition.

Association, a general invitation is extended to everybody to be present and take part in the proceedings. Both Mr. Wright and Mr. Wells are particularly anxious that the Mr. Wells are particularly anxious that the meeting should be a representative one and where they have been visiting friends and relatives for the last three weeks. urge that the business men of the city be present. The Iowa Exposition commissioners have advices that large delegations from America, will meet this evening for the almost every city and town in the state purpose of making arrangements to take will be at the exposition on Iowa day and part in Royal Neighbor day at the exposithe men who have called the meeting feel that Council Bluffs, being the next-door neighbor to the exposition city, should send a crowd over on that day that would be a credit to the city and Pottawattamie county. To get the matter well under way will require considerable work and for this pur-

road rates for Iowa day has been success ful and the local agents of the Iowa roads was held yesterday afternoon from the family residence, 1323 Avenue C. The services were conducted by Rev. G. P. Fry of the Fifth Avenue Methodist church and interment was a service of the regular standard one-the Walker Hill secretary. from any part in the state will be sold at of the board of county supervisors, to repair way rate, the minimum selling rate to be Marian Patterson, a patient for the last \$1. Tickets at this rate will be placed on city, and pay for the work out of the city's three months at St. Bernard's hospital, died sale Tuesday, September 20, and Wednes-proportion of the county road fund: Third Sunday of dropsy, aged 34 years. The re- day, September 21, and will be good for return until and including Saturday, Sep-

Wanted-Girl for general housework, Mrs O. Keeling, 618 South Seventh street,

MATTERS IN THE DISTRICT COURT

Suit of Haggerty Against Waterman is to set aside a deed, is of more than ordinary interest from the fact that the plainman, one of the defendants. The property the deed to which is sought to be set aside a showcase in the drug store of George old people, and, according to their testi-Davis on Broadway. When searched his mony yesterday, they were anxious to propockets disclosed a varied assortment of vide for their daughter, the wife of E. T. Waterman and her children, and made, as Eugene S. Allen of 1118 Fifth avenue died stead to her in trust for the children. Later they say they thought, a deed of the homeo'clock from the Congregational they testified yesterday was not what they that misrepresentations were made to them when they signed the deed. They now wish the court to set aside the deed and declare it null and void. Waterman and his

wife are resisting the suit. Mrs. Lillie Whittlesey was granted a decree of divorce from her husband, Russel N. Whittlesey, Mrs. Whittlesey was also granted the custody of her little daughter,

Ruth. Mrs. Vash Sullivan was granted a divorce from her husband, John Sullivan, whom she married in this city March 31, 1897. The decree was granted on the grounds of cru-

elty and nonsupport. Lewis Butler filed a petition asking for a divorce from his wife, Mina Butler, whom he married at Monmouth, Ia., June 20, 1894. Butler complains that his wife deserted him

without cause on June 16, 1896. The trial jury was ordered to report Mon day, September 26, instead of September 19 Judge Macy made the first assignment o

aw causes as follows: Monday, Sept. 26.—Security bank of Fari-bault vs. O. B. McClintock; Council Bluffs Savings bank vs. N. W. Williams; Charles Herbach vs. Emily Martin.
Tuesday, Sept. 27.—Day & Hess vs. Odell
Investment Co.; Warner E. Hoopes vs. Odell

Weanesday, Sept. 28.-Charles Green John Shaw et al; Jane Richardson vs. J. A. l'emberger. Thursday, Sept. 29.—George King,

John L. Howe; L. C. Smith vs. M. Larkin. Friday, Sept. 30.-W. H. Ware vs. N

Monday, Oct 3.—Sterling Manufacturing to vs. F. A. Bixby; Otto Saar vs. John Saar, Tuesday, Oct. 4.—G. V. McCormick vs. H.

reme Lcdge Knights of Pythias. Thursday, Oct. 6.-Henry Geesen vs. James He also made the following second as

ignment of equity causes: Monday, Sept. 19.—Charles J. Konig-nacher vs. Western Mutual Life association W. Squire vs. David Haines et al; Rile; lark vs. Board of Equalization of Neola. Tuesday, Sept. 20.-J. C. De Haven ve Interstate Building, Loan and Investment

Saturday, Sept. 24 .- Andrew C. Graham

s. George W. Gorham.

Court Notes. The decision of Judge Green in the case of Henry Russell against Day & Hess was received by the clerk in the district court yesterday. The decision is in favor of the defendants. Day & Hess some years ago purchased a note of W. W. Bilger on Russell, who paid it, but later claimed it was a forgery and brought suit to recover the amount, between \$500 and \$600. The first rial resulted in favor of Day & Hess. The case was taken to the supreme court, which remanded it back for a new trial, which was had before Judge Green about nine

nonths ago. In the superior court yesterday the plain tiff in the damage suit of Fannie Deitchler against Harry Holst was given by agreement two weeks in which to file a motion for a new trial. In this case Miss Deitchler sued for \$10,000 damages for alleged seduc tion and the jury found for the defendant.

John Coleman of Audubon was bound over to the federal grand jury by United States Commissioner George F. Wright on the charge of engaging in the business of a retail liquor dealer without first obtaining government license.

John Schicketanz, sr., who was appointed administrator of the estate of his son, L. C. Schicketanz, who was run over and instantly killed about a week ago while at- by hard rains early in the season.

tempting to board a Manawa train, was ALL HUSBANDS ALIKE IN LAW court yesterday to compromise the claim against the Lake Manawa rallway company for the death of the young man for \$150.

PROCEEDINGS OF CITY COUNCIL Considerable Business Transacted a

an Adjourned Session. The city council met in adjourned session last night and transacted a considerable amount of routine business. Colonel Alex Hogeland, known all over the country as the "newsboys' friend," addressed the city GENERAL ATTENDANCE IS DESIRED fathers at considerable length on the matter of the curfew ordinance. Colonel Hoge land was requested to furnish the mayo with a copy of the amended section and it will probably be passed at the next meet-

the colonel for his address was passed. The city clerk was instructed to advertise Monday in October. City Engineer Etnyre submitted specifications for brick and asadvertise for bids for same.

The claim of E. S. Hagen against the city of \$5,000 for alleged personal injuries claimed to have been received on August 8 last at the motor company's Y on Lower Main street was referred to the city attorney to wrestle with

On motion of Alderman Brough the city marshal was instructed to notify the motor company to plank between its tracks at Sixteenth street and Broadway.

Alderman Casper introduced a resolution authorizing Colonel W. F. Baker, chairman the following streets, which he designated as a main thoroughfare leading into the proportion of the county road fund: Third street from Eleventh avenue to Sixteenth ivenue, Sixteenth avenue from Third street Tostevin street and South avenue from Nineeenth avenue to the Chicago, Rock Island & Pacific Railway company's crossing south Judge Macy was commenced the trial of the Pierce street to Canning street, Canning council, which meets in Kansas City next suit of C. E. Haggerty and wife against street from Ridge street to the city limits, E. T. Waterman and wife. The suit, which Park's mill road from city limits to point opposite Sylvester's place. The resolution failed to carry, as several of the councilmen desired to go over the route first. The resolution will come up again at the next

Triple Wedding. A triple wedding is booked to occur today home of County Supervisor Kerney of Carson, when his son and two Oakland, while Miss Maud, the youngest daughter, will give her heart and hand to Pearl, will be married to L. H. Bolton of after desert their wives. This is the Carson.

B. L. Ogden used Cole's Hot Blast heater

last winter.	
Marriage Licenses.	
Licenses to wed were issued yesterday	ti
the following persons:	
Name and residence. Ag	ė
N. W. Kerney, Carson.	ì
Nellie M. Hatch, Oakland	2
Charles T. Carter, Oakland	4
Maud L. Kerney, Carson	1
L. H. Bolton Carson	
Pearl M. Kerney, Carson	21

West Indian Hurricane Approaching. ST. THOMAS, D. W. I., Sept. 12,—Lates advices from Barbadoes, received late on Satcable communication was interrupted.

urday, indicate an approaching hurricane Shortly after the dispatch was received erday the storm passed over Saint Lucia, but small damage had been done there. All the islands have experienced boisterous weather, but the storm has passed to the south of St. Thomas.

Iowa Farm Notes A Cedar Falls farmer sold 120 acres land for \$45 per acre. Much Montana stock is being received

round Dunlap for feeding purposes. Pocahontas will have a new creamery, the largest in that section of the state. George Jones of Tipton sold his fine driv ing team for \$300 to an Oregon man. At Grunday one of the largest farms in that part of the state sold recently at \$50

A. K. Ware, a Virginia stockman, has pur hased for \$18,000 a 400-acre farm near Des Until the present rain the dust was

heavy around Calhoun as to interfere with the threshing of wheat. Peach trees around Des Moines are break ng down with fruit this year. It was

ever so plentiful in that section. Harrison county apples are abundant and ire selling at 30 cents per bushel. of the fruit is being shipped east.

The pioneer farmers around Lynnville have purchased Linn grove, a fine body of tim-bered land near that place, as a permanent place for their reunions. Around Grundy Center chicken fanciers are much annoyed by skunk and mink. One

William Smith in one night. Boone county stock growers are producing more fine swine this year than usual. W. H. Trenchard shipped 153 porkers, their gross weight being 57,800, an average of 375 The owner received over

\$2,000 for the bunch. Iowa News Notes.

Hartley's town well is a failure. Though the pumps run all night the quantity of water supplied is insufficient. Toledo presented each delegate to the ounty republican convention with a small American flag and a stick pin.

The Marshalltown convention is now be ing referred to sarcastically by the state first illustrated above secretly believed Webster City is displaying much en-thusiasm over the proposed extension of the Chicago Great Western from Hampton to

The inmates of a Dubque road house were need up and robbed of \$1,000 by a lone highwayman with two big revolvers. He lined sixteen people up in a row. Mrs. K. S. Keen of Bears Grove dropped a

pocketbook containing \$800 on the train. The following day a traveler who noticed the book fall from her pocket restored it to her with every dollar it contained. Emmet county, where more prairie chickens have been killed in the last ten years than all the other counties in the state together, this year produces nothing in the shape of a chicken. The young were killed

Peculiar Iowa Statute Decided Unconstitutional by Judge Bishop.

HAS BEEN CAUSE OF MUCH TROUBLE LATELY

Punishment Provided in Case of Desertion for Heads of Families Not in Accord with Fundamental Jurisprudence.

DES MOINES, Sept. 12 .- (Special.) - The ing of the council. A vote of thanks to opinion written by Judge Bishop, declaring the law unconstitutional which the last lows legislature adopted to prevent desertions in for bids for the paving with vitrified brick cases where marriages have been contracted those streets and avenues embodied in the by men to escape prosecution for seduction first paving resolution and which was has created a sensation in Iowa. The peadopted at the meeting of August 29. A culiar reasoning by which the court arrived resolution calling for the paving of Fourth at its opinion has caused much comment street from Broadway to Worth street and Since the adoption of the law there has been of Fifth avenue from Main street to Fourth much bitterness engendered by its provisions. street with asphaltum was introduced and Still the law has many supporters in the the clerk instructed to publish same accord- state, and there is a disposition to carry the ing to law. The consideration of the reso- matter to a higher judicial body in order lution was on motion of Councilman Met- to secure an opinion that may be used as calf set for the second Monday in October. a guide. The decision grows out of the case Another resolution calling for the paving of R. A. Morris, the editor of the Runnells with brick of Stuvsman street from Broad- Telegram. Morris married nearly a year ago way to Pierce and of Pierce street from Gertrude Hill and stated to her at that time South First street to the intersection of that he would not live with her after he Stutsman was introduced and likewise or- married her. He agreed to the performance dered published. There are a number of of the ceremony, for the reason, so he states, protests against the paving of Stutsman that it was the only way to get out of jail street and these will be taken up with the and it was very necessary to get out the resolution at the meeting on the second next issue of the Telegram. He deserted the woman and was arrested. Justice Halloran bound the prisoner over to await the phaltum paving which were adopted. Two action of the grand jury. Morris' attorney hundred copies of the specifications were appealed for a writ of habeas corpus, allegordered printed and the clerk instructed to ing the unconstitutionality of the law. The judge granted the writ. In holding the law unconstitutional, the judge says:

It is admitted for the purpose of this pro eeding that the petitioner has been guilty f the crime of seduction; that he married the woman seduced by him for the purpose of escaping prosecution for such crime and that following such marriage he deserted her without good cause arising subsequent

the marriage. That the necessity exists for a law which That the necessity exists for a law which will minimize as far as possible the wrong the statute in question strikes at does not admit of a question. I can have nothing to do, however, with the necessity for or the policy of any given law. If it is within the power of the legislature to enact, I am to enforce it; otherwise, I am to disregard it.

The constitution, section 6, article 1, provides that "all laws of a general nature." vides that "all laws of a general nature shall have uniform operation; the general assembly shall not grant to any citizen or avenue, Sixteenth avenue from Third street to High street, High street from Sixteenth which in the same terms shall not equally avenue to Nineteenth avenue, Nineteenth avenue from H street to Tostevin street, It has repeatedly been held that all laws Tostevin street and South avenue from Nine. coming within the relations and circum stances provided for. There can be no ar oltrary or unreasonable classification made Attracts Some Attention.

In the district court yesterday before udge Macy was commenced the trial of the Pierre street to Court to the city limits, Ridge street from the city limits and the city limits, Ridge street from the city limits, Ridge street from the city limits and the city limits are city limits, Ridge street from the city limits are city limits, Ridge street from the city limits are city limits, Ridge street from the city limits are city limits and the city limits are city limits. nitting the same act are exempted from iability or punishment.

Peculiar Features of the Case.

It will be observed that the crime of se-duction is fully disposed of in a legal sense by a marriage taking place between the parties subsequent to the commission of such crime. At least the law refuses to give any further consideration to the act constituting the crime from the moment mar-riage takes place. There are no conditions attached and no obligation, requirement or penalty incident to the crime, which stands suspended to be revived or which can again daughters will be married. The son, N. W. of any subsequent action or condition which Kerney, will lead to the altar Miss Nellie may occur in the future. The act of seduc-M. Hatch, a well known young woman of tion simply sinks out of sight and, in

Charles T. Carter, a young man from the men who marry to escape prosecution for It is common knowledge that very many same town. The eldest daughter, Miss the crime of seduction sooner or later therewhich the statute under consideration is in tended to remedy. It is a statute to punish descrition and that only. By it the former crime of seduction was not intended to be again unearthed, nor is the accused to be held to any penalty or liability on account thereof. There is no escape, as it seems to me, from the conclusion that the two of-fenses, the felony and the misdemeanor, can have no connecting link or relation one to

> That the willful desertion by a husband of his wife or family, without good cause shown, may properly be designated as a general offense and may be punished under criminal statutes as a misdemeanor. I have no doubt. It has been so held in other jurisdictions. The theory is that the best nterests of the state require that those who take on themselves the obligations ineldent to the marriage relation and the headship of a family shall not without just cause throw off or disregard such obligaions. It will be apparent at once, however that the interest of the state in such cases is not confined to any particular class of husbands, but relates to any and all. I cannot be that the state has any interset in keeping a husband and wife within the of the marital relation differing one instance from that which obtain every other. There can be no legal distinction between one deserted woman and an-other as far as their general relation to the public is concerned. It seems to me that it would be arbitrary in the extreme and wholly without reason to say that the public good or the public interests require that a desertion by a husband in one class of cases shall be prohibited under penalty, while in another class of cases a desertion. whatever the cruelty or heartlessness at-tending it, is not to be taken the slightest

Not a Felony. As I have already shown, there is no connection between the felony, seduction, and the misdemeanor, desertion. It follows that the reference in the statute under consideration to the statutes relating to seduction has no office save to designate a class of husbands who may be punished, it being made to appear that they have deserted their wives without just cause. There be-ing no infringement of public interest in the case of one deserting husband which does not obtain in the case of every other, the classification made by the statute is arbitrary and without sufficient reason, in my judgment. It is arbitrary and without judgment. It is arbitrary and without reason in that it selects from among husbands who stand equally before the law only those of whom it can be shown as a matter of history were guilty of seducing their wives before marriage and who married to It is arbitrary escape prosecution. It is arbitrary and without reason in the further sense that it applies only to those seducers in respect of whom a purpose to escape prosecution can be shown. Take a case where a seduce marries his victim voluntarily, no sugges tion of a prosecution having been made may desert her the next moment and it would not be possible to prosecute him, either for the seduction of for the desertion. On the other hand, a seducer whose prose-cution has been suggested, marries to avoid such a result. He may not be prosecuted A \$2,000 fee was paid by the Davenport & for the seduction thereafter, but he may make the statute be held to answer as for incorporation at Des Moines.

The seduction thereafter, but he may under the statute be held to answer as for a new and distinct criminal offense. The cts done by each of the two men are inden first illustrated above secretly believed that he might be prosecuted unless he married his victim. In such a case not only would his acts be identical with that of the other but his motive and purpose would be the same and still he could not be prosecuted unless that purpose or motive came to the surface in the way of tangible evidence which might be produced in court. The act which is the gist of the offense, that is, desertion, is lost sight of in trying

to determine whether another and distinct

act previously occurring was or was not ac-complished by a particular and avowed pur-pose. As well might the statute, in my

CALHOUN, Ia., Sept. 12.- (Special.) Farmers are in the midst of their hay making on the Missouri bottom. The crop is very heavy, averaging three tons to the acre. Awiyes must suffer the penalties imposed for

THE TWO GREAT BATTLES OF

# MANILA and SANTIAGO

REPRODUCED AT

# LLAKE MANAWA

Sunday, Sept. 11; Tuesday, Sept. 13; Thursday, Sept. 15; Saturday, Sept. 17, and Sunday, Sept. 18.

The production is of such great magnitude that 48 hours' time is required to arrange for each performance. 2,600 pieces of various kinds of explosives used each night.

### 14 WAR SHIPS

Pounds of red fire. Two submarine mines exploded during each performance, throwing water 100 feet in the air.

All Under Management of Captain Robert Cook.

All such classifications are ar-

the purpose, abstractly considered, which prompted the marriage, can be carried along

n suspension to be subsequently brough

into notice in connection with another and a distinct act, the whole to constitute a

all that can be said on the subject and i

ertainly can make no difference what was

The statute in question is open to the further objection that it contains no limita-tions whatever. For instance, a man who marries his wife under threat of prosecu-

ion and thereafter lives with her for fifty

and punishment for such desertion. A rule for the enforcement of which such a re-

I conclude that the writ prayed for must be granted and the petitioner discharged and it is so ordered.

IOWA TROOPS WILL STICK IT OUT.

forty-Ninth Regiment Wishes to D

What the Government Desires.

DES MOINES, Sept. 12 .- (Special Tele-

gram.)-Governor L. M. Shaw arrived in

Des Moines today on his return from a

will start home tomorrow. When in Chi-

special sleepers to carry the sick of the

In Washington the governor made ar-

angements whereby the men of the Fiftieth

wishing to remain in service can be trans-

one of the two Iowa regiments ordered

mustered out. Another arrangement made

was that the companies of the Fiftieth will

go directly to their home towns for muster

out instead of coming to Camp McKinley.

While the governor was in Washington

where he went with the intention of urging

that the Forty-ninth be mustered out,

Lieutenant Colonel Ham of the regiment

dent McKinley with the governor. Colonel

Ham stated that while the men would

have been glad to come home, since the

government has ordered them to be re-

other wish than to stay in the service. Gov-

ernor Shaw says there was no discrimina-

tion in the choice of regiments to remain

in service and that the Fiftieth was or-

dered home because there was less sickness

Colonel Marcus Cavanaugh, commander of

furlough, and came here to visit his father,

Marcus Cavanaugh, his relatives and old

friends. After spending two days here he

Conrad Youngerman, a leading business

man of this city, received a telegram from

Seattle today announcing the death of his

Klondike, and on his return was taken

with malarial fever. For several days be-

fore reaching Scattle he received no medical

Little Water in Eastern Iowa.

DUBUQUE, 1a., Sept. 12.-(Special.)-The

Mississippi is gradually getting down to the

low water mark of 1864, the lowest mark

ever reached. Each day's report shows a

The traffic on the river has already begun

to suffer, as nearly all the large packets

have been tied up for the season. In the

month of September the water inevitably

falls and reaches the lowest mark of the

year. The low water exists all along the

Mississippi. In 1894 the low water mark

was reached in some places and pioneers

say it has been the only time since the

mark has been established. However, it is

ot believed that the low water mark o

1864 remains unbroken, as Major Meigs of

Keckuk has said that in 1892 the water was

two inches below the 1864 mark at Me-

chanies' Rock, at the head of the Des

Moines rapids, above Keokuk. This rock

set the low water mark of 1864, the fall of

the river that year leaving the rock three

Caterpillars Doing Damage.

SLOAN, Ia., Sept. 12 .- (Special.)-The

elder bug of recent years in this vicinity

structive pest in the shape of the caterpillar.

feliage and even buildings and fences are

covered with them in some places. In a few

cases these worms were numerous enough

in the early season to injure the fruit crop.

but in the millions in numbers in which they

now exist they would prove totally de-

the advent of frost they will be entirely

Missouri Valley Hay Crop

has this year given place to a more de-

inches out of the river.

obliterated.

fall of from half an inch to five inches.

on, Louis. The young man had been in

will go to Colfax for a week.

in the Forty-ninth.

arrived in Washington. He visited Presi-

regiment with comfort.

sult may follow is unreasonable to say the

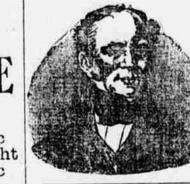
he intent or purpose with which somother act, legal and commendable in itself, was committed.

The constituent element in every crime is the commission of a prohibited act, accompanied by a criminal intent. That is

esertion.

bitrary and unreasonable and, in my judg-ment, prohibited by the constitution. America's Favorite Cigar It has been suggested that the statute creates a crime in which the marriage to escape prosecution is to be considered as an element and that thereby the objections suggested are overcome. That this cannot be true must be apparent, it seems to me upon a moment's reflection. The marriage is an act authorized by law. Indeed it has been said by the supreme court to be an act favored by the law and hence is to be regarded as a virtue. It would be absurd to say that an act declared in and of itself to be a virtue could thereafter be tacked onto a wrongful act subsequently committed and the subsequently commi and the combination thus derived de-clared to be a crime. No such intent is to be attributed to the legislature in its pas-sage of the act in question. Nor is there any known theory or principle upon which

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DAY & HESS,

39 Pearl St., Council Bluffs, Iowa

rip to Washington. He says the Fiftieth The hay stands as high as a horse's back, owa volunteers, in camp at Jacksonville, and is all put up with machinery. Two men on a stack to spread the hay out can ! eago the governor made arrangements for out and stack twenty acres a day. Then after the hay settles in the stack comes the baler and bales the hay which is then ready to be shipped to Council Bluffs and Omahu, which is some thirty or thirty-five miles and brings from \$5 to \$6 a ton. Thousands ferred to the Forty-ninth, the Fiftieth being of acres of hay is being put up at this time There is not much tame hay raised, at

though one will occasionally see a piece of clover. Charged with Incendiarism. ALBIA, Ia., Sept. 12 .- (Special.) -- Daytor Harger, a boy between 14 and 15 years of age, is in the coutny fail in this city for the crime of incendiarism. While the family of Ottomer Duncan, who lives two miles east of Lovilia, was attending the old settlers' reunion at Hamilton, neighbors discovered Duncan's house and barn to be on fire. They succeeded in putting the fire in the house out, but the barn, a team of tained, they were satisfied and had no horses, hay, grain, harness and all it contained were burned. Suspicion rested on the boy under arrest and he was placed under arrest and brought to Albia. On the way he confessed to the crime and when in jail denied it. Two weeks ago the boy was arrested for stealing some jewelry from the he Seventh Illinois volunteers, arrived in home of Mr. Duncan and he was found guilty in a justice court and let off with a the city this morning. He is on a month's

> he would get even. Cornell College Opens.

fine. It is stated that he made threats that

MT. VERNON, Ia., Sept. 12 .- (Special.)-Cornell opened this morning for the winter term. Judging from the applications for rooms and other indications, the year will see a large increase in attendance. Extensive improvements have been made during the summer, and as a result Bowman hall is one of the best equipped ladies' dormitor ies to be found. Among the new members and additions to the faculty are Prof and Mrs. Adams in music and Prof. Fres-

hoff in political economy.

Reunion Postponed. CLARINDA, Ia., Sept. 12.—(Special Telegram.)-The annual reunion of the State Line Veterans' association, to have been held in Clarinda September 13, 14 and 15, under Grand Army of the Republic auspices. has been postponed to September 27, 28 and 29, on account of the heavy rains.

GRAY-HAIRED MAN LYNCHED

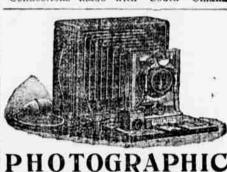
Benjamin Jones, Sixty-Eight Years Old, Swung from an Iron Beam by a Mob.

KANSAS CITY, Mo., Sept. 12 .- A special to the Times from Liberty, Mo., says: At 10:30 last night Benjamin Jones, a grayhaired man 68 years of age, was taken from the Clay county jail and swung to an iron beam at the front entrance to the court house. The mob, which consisted of about seventy-five men, quietly rode in on horseback, finished their work in thirty minutes and left. Jones committed a criminal assault on Annie Montgomery, a 11-year-old Shade trees, fruit trees, grape vines and girl, yesterday evening, and confessed his other vegetation are being stripped of all guilt just before he was hanged.

WASHINGTON, Sept. 12.—Miss Clara Bar-ton and party reached Washington today from Tampa, Fla. Those with Miss Barton were Dr. Winfield Egan, chief surgeon of the Red Cross; General Von Schell of the Belgian Red Cross; Dr. Gill, J. A. McDowell, Miss Lucy Graes and Miss Annie Fowler of structive to that crop. It is hoped that with Illinois. The party is here waiting orders and may be sent to the Philippines.

> Brotherhood of Locomotive Firemen TORONTO, Ont., Sept. 12.—The sixth blennial convention of the Brotherhood of Locomotive Firemen opened today. were some 400 delegates present at the con-

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MATERIAL For the profession and amateurs. All orders forwarded on day of re-E. G. BARTLETT.

600 and 602 Broadway, Council Bluffs. vention and many more arrived during the day. There are 1,500 delegates and visitors now in the city. An interesting contest for the successor to Grand Master F. B. Sargent is expected. It is understood the contest will be between Grand Secretary Arnold and First Vice Grand Master J. J. Hannahan. The afternoon session was devoted to roufine business. The Ladies' auxiliary held a short session, at which Mrs. Joshua Leech

of Sedalia, Mo., grand president, presided. Sons Disown Their Father.

LIBERTY, Mo., Sept. 12 .- A brief coroner's nquest was held today over the remains f Benjamin Jones, the aged rapist lynched just outside the jail door last night, and a verdict to the effect that he had come to his death "at the hands of unknown par-ties" was rendered. The body will be buried at the county's expense. Two sons of the lynched man called at the jail today tell the officials that they would not care for the remains. "Our father has disgraced and dishonored our name," said they, "and we now disown him, even in death, and shall not take a last look at his face." Annie Montgomery, the little victim, is still alive, but cannot survive. Satisfaction over the lynching is general.

Bucklen's Arnica Salve.

THE BEST SALVE in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns and all Skin Eruptions, and positively cures Piles, or no pay required. It is guar-anteed to give perfect satisfaction or money Price 25 cents per box. For sale by Kuhn & Co.

Council of Order of Red Men. INDIANAPOLIS, Sept. 12 .- The national uncil of the Order of Red Men began its annual convention here today. Only routine matters received attention. cil will continue in session during the week and some important business will be dis-posed of. The annual election of officers will occur and the reports of representatives will be read. About 15,000 members are expected to attend the gathering. One of the important questions to be disposed of will be the eligibility to the order of men engaged in the liquor business. A strong fight is expected on the proposition to of

clude all such men from the order. Bodies Yet in the Ružns. PHILADELPHIA, Sept. 12.—Five persons are known to have lost their lives as a result of the gasoline explosion which oc curred last night at Fifteenth and South streets. It is believed that at least half a lozen bodies are yet in the ruins.

To Save Doctor's Bills Use "Garland" Stoves and Ranges.